* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY 3th Election District 3rd Councilmanic District Case No. 92-392 A

Painters Mill Executive Office

Park Partnership - Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

This matter comes before the Deputy Zoning Commissioner as a Potition for Zoning Variance requesting relief from Section 413.6(d) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a business sign height of 14.6 feet in lieu of the maximum permitted height of 12 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners, Painters Mill Executive Office Park Partnership, by Arthur Adler, appeared, testified and were represented by Julius W. Lichter, Esquire and Kathryn T. May, Esquire. Also appearing on behalf of the Petitioner was Thomas J. Hoff. There were no Protestants.

Testimony indicated that the subject property, known as 10201-10219 Dolfield Road, consists of a gross area of 7.88 acres zoned M.L.-J.M. and is the site of the Painters Mill Executive Office Park. Said property is located at the corner of South Dolfield Road and Painters Mill Road. The Petitioners are desirous of replacing two existing signs for the property with the two signs depicted on Petitioner's Exhibit 1 as the Proposed South Dolfield Road Sign and the Proposed Painters Mill Road Sign. The profferred testimony presented by Kathryn May, Esquire indicated that there currently exists many temporary signs on the subject site regarding the various businesses located within the office park. Ms. May stated that the Petitioners wish to consolidate the many temporary signs onto one

permanent structure. Because of the number of businesses that must be named on the sign, the proposed Dolfield Koad sign will be an additional 2.6 feet in height over that which is permitted by the B.C.Z.R. Ms. May stated that the Petitioners will remove any and all temporary banners and advertising signs located on the property immediately after the proposed signs are installed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Yown of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the require-

- 2-

ments from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3'd day of June, 1992 that the Petition for Zoning Variance requesting relief from Section 413.6(d) of the B.C.Z.R. to permit a business sign height of 14.6 feet in lieu of the maximum permitted height of 12 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Within thirty (30) days of the date of this Order, the Petitioners shall remove the following signs from the subject property:
- a) The white Sinai Fitness banner posted on the brick wall advertising the Owings Mills Premier Fitness Facility, as pictured on Petitioner's Exhibit 2C.

- 3-

Description of "Painters Mill" to Accompany Petition for Sign

BEGINNING AT A POINT on the north side of Painters Mill Road,

which is 70 feet wide, at the distance of 616 feet more or less

northeast of the centerline of South Dolfield Road, which is 70

feet wide. The coordinates of said point of beginning referred to

the Baltimore County Survey Control System are North 42,155.69 feet and West 45,481.20 feet; Thence leaving said point of

beginning and binding on the West side of Painters Mill Road, the

by a curve to the left with a radius of

feet and an arc length of 83.88 feet;

feet and an arc length of 139.09 feet;

1035.00 feet and an arc length of 105.00 feet;

by a curve to the left with a radius of 93.52

by a curve to the right with a radius of 155.00

8) North 33 degrees 51 minutes 34 seconds East 124.13

9) North 49 degrees 36 minutes 25 seconds East 374.63

10) South 41 degrees 21 minutes 20 seconds East 522.96

feet; to the point of beginning containing 7.24 acres

1) South 49 degrees 36 minutes 25 seconds West 450.08

2) North 88 degrees 38 minutes 56 seconds West 24.18

feet; thence binding on the North side of South

North 50 degrees 19 minutes 41 seconds West 36.10

North 56 degrees 08 minutes 26 seconds West 207.24

feet; thence leaving the North side of South Dolfield

b) The burgundy Planned Parenthood banner and the burgundy Sinai Fitness banner attached to the brick wall along Painters Mill Road as pictured on Petitioner's Exhibit 2C.

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c) The Painters Mill Executive Office Park sign attached to the brick wall along Painters Mill Road as pictured on Petitioner's Exhibit 2C.

d) The white "A" frame placard sign advertising the Fiori Restaurant as pictured on Petitioner's Exhib-

e) The red sign supported by two posts advertising the Owings Mills Professional Center and the various businesses located therein as pictured on Petitioner's Exhibit 2A.

() The smaller white sign with red arrow which is pictured in Petitioner's Exhibit 2A next to the red sign identified in Item E above advertising a business that is not legible.

> Deputy Zoning Commissioner for Baltimore County

CERTIFICATE OF POSTING **ZONING DEPARTMENT OF BALTIMORE COUNTY** Towns, Marriand

- 1

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District 4 Th	Date of Posting (4271) 30,19
Posted for: // Allange	V
Potitioner: Paintin Mill Ellerite	re Office Park fartnesship
Location of property NIVC & Affect & as	ud Faintin Will Loads
10201-19 Latield Poad	
Location of Siene Horth side of on	ith Dollield Good in front a
proposed sign location	
Remarks:	
Posted by S. J. Chata	Date of (May 1 124)
, selection	Date of return: May 1, 1992.
Number of Signe:	

MOTICE OF HEARING

Variance: to allow a busines sign 14.5 feet in height in lieu the permitted 12 foot height.

LAWRENCE E. SCHMOT Zening Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on ___

Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at S. Dolfield & Painters Mill Road Land Development Consultants

which is presently zoned ML-IM 10201-19 Dulhela Da

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

413.6(d) to allow a business sign 14.6 ft. in height in lieu of the permitted 12 ft. height

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

due to the irregular shape of the lot and for additional reasons which will be presented at the public hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	(We do solemnly declare and affirm, under the penalties of perjury, that (we are the legal owner(s) of the property which is the subject of this Petition.
itract PurchaserAssese:	Legal Owner(s):
	Painters Mill Exec. Office Park
pe or Print Name)	(Type or Print Neme)
nebre	The state of the s
	BY: Howard Brown
dreet	(Type or Print Name)

Julius W. Lichter, Esq. (Type or Print Name) 305) W. Chesapeake Ave., #113

9183 Reisterstown Road Garrison , MD 21055 (410) 363-3434 Julius W. Lichter, Esq. 305 W. Chesapeake Ave (321-0600) Towson, MD 21204 (321-0600)

ORDER RECENTAL HOR HUNG Fv 7070

of land more or less. This Description has been prepared for zonimo purpose

and Landscape Architects

March 31, 1992

following courses and distances:

Dolfield Road,

1717 York Road = Suite 1B = Lutherville, MD 21093 = 410-628-9225 = Fax 410-628-922

\$39.76

TMK:bjs

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

Julius W. Lichter, Esquire Kathryn T. May, Esquire 305 W. Chesapeake Avenue, Suite 113 Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE NW/Corner Dolfield Road and Painters Mill Road (10201-10219 Dolfield Road) 8th Election District - 3rd Councilmanic District Painters Mill Executive Office Park Partnership - Petitioners Case No. 92-392-A

Company Commission of the Com-Million of the million of a more

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June 3, 1992

(11m 887 1386)

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

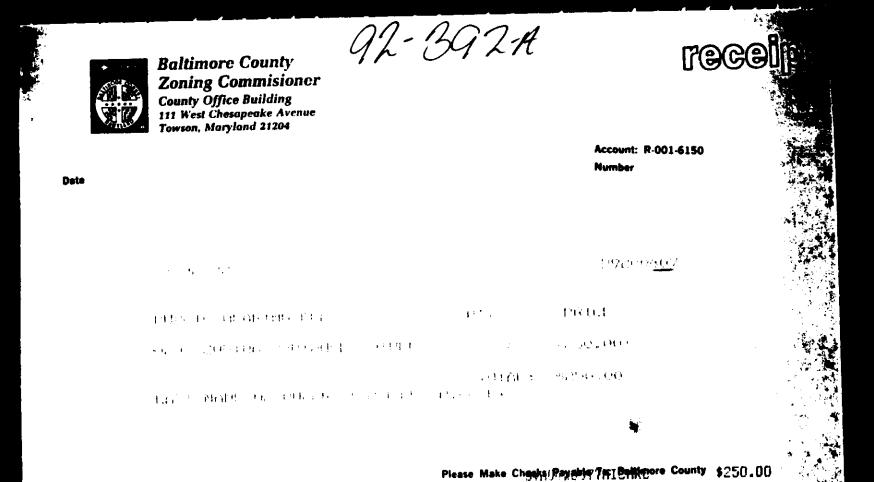
In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391. Very truly yours,

TIMOTHY M. KOTROCO

for Baltimore County

Deputy Zoning Commissioner

cc: People's Counsel



Baltimore Count Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

Date

Pace Ipt Pace Ipt Pace In Pace In

04H04H0107MICHRC \$74.76
BA CO12:33PM05-26-92
Please Make Checks Payable To: Baltimore County

BA CO10:23AMO4-02-92

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning 111 West Chesapeake Avenue (410) 887-3353 Towson, MD 21204 DATE: 4/28/92 Painters Mill Executive Office Park 9183 Reisterstown Road Garrison, Maryland 21055 CASE NUMBER: 92-392-A NWC Dolfield and Painters Mill Roads 10201-19 Dolfield Road 4th Election District - 3rd Councilmanic Petitioner(s): Painters Mill Executive Office Park Partnership Dear Petitioner(s): Please be advised that \$ 74.76 is due for advertising and posting of the above captioned THIS FEE MOST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING. Please forward your check via return smil to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Please forward your check via return smil to the Zoning Office, County Office Building, 111 W. Chesspeaks Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ARROLD JARLON
DIRECTOR

CC: Julius W. Lichter, Esq.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

APRIL 15, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-392-A
NNC Dolfield and Painters Mill Roads
10201-19 Dolfield Road
4th Election District - 3rd Councilmanic
Petitioner(s): Painters Mill Executive Office Park Partnership
HEARING: WEDNESDAY, MAY 20, 1992 at 9:00 a.m.

Variance to allow a business sign 14.6 feet in height in lieu of the permitted 12 foot height.

Clause E. Schmidt

Zoning Commissioner of Baltimore County

cc: Painters Will Executive Office Park Julius W. Lichter, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; POR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Printed on Recycled Paper

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

887-3353

Julius W. Lichter, Esquire 305 W. Chesapeake Avenue, Suite 113 Towson, MD 21204

> RE: Item No. 407, Case No. 92-392-A Petitioner: Painters Mills Exec., et al Petition for Variance

Dear Mr. Lichter:

111 West Chesapeake Avenue

Towson, MD 21204

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

Your petition has been received and accepted for filing this

Petitioner: Painters Mill Exec. Office Park

Petitioner's Attorney: Julius W. Lichter

Zoning Plans Advisory Committee

2nd day of April, 1992.

Cashier Validation

111 West Chesapeake Avenue

Towson, MD 2120+

887-3353

Arnold Jablon, Director
Zoning Administration & Development Management

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING

New Courts Bldg - 401 Bosley Avenue, Towson, MD 21204

FROM: Office of Planning and Zoning

DATE: April 27, 1992

SUBJECT: Painters Mill Executive Park

Item Number:
Petitioner:

MEMORANDUM

Painters Mill Executive Office Park Partnership

Property Size: 7.88 acres

Requested Action: Variance to allow a sign of 14.6' in height in lieu of 12'.

are located behind the parking area adjacent to Painters Mill Road.

CIDENTRY OF DECOMMEND

SUMMARY OF RECOMMENDATIONS:

The petitioner has requested a variance to allow a business sign of 14.6 feet in height in lieu of the permitted 12 feet in height. The plan submitted fails to show all of the existing signs on this property. Located at the intersection of South Dolfield Road and Painters Mill Road are three "A" frame portable signs and a permanent sign. Along the Painters Mill Road Frontage there are approximately 5 signs and as well as a banner. Signs are also located on the buildings which

DEGIIVED APR 29 1992

4/20/92

407.ZAC/ZAC1

ZONING OFFICE

ZAC COMMENTS
The Office of Planning and Zoning recommends <u>DENIAL</u> of the petitioner's request. The Office of Planning and Zoning's area planner visited the site and found that this site has excellent visual exposure in both directions along South Dolfield Road. It would appear that there is not a valid reason for exceeding the height limit. This area also serves as the entranceway from Reisterstown Road into the Owings Mills Growth. The proliferantion of signs at this particular site is of concern to staff. A video of this particular is available for viewing if required by the Zoning Commissioner.

Prepared by: Janes Monary

rdn

407.ZAC/ZAC1

BUREAU OF TRAFFIC FNCINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: April 16, 1992

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

ROM: Stephen E. Weber

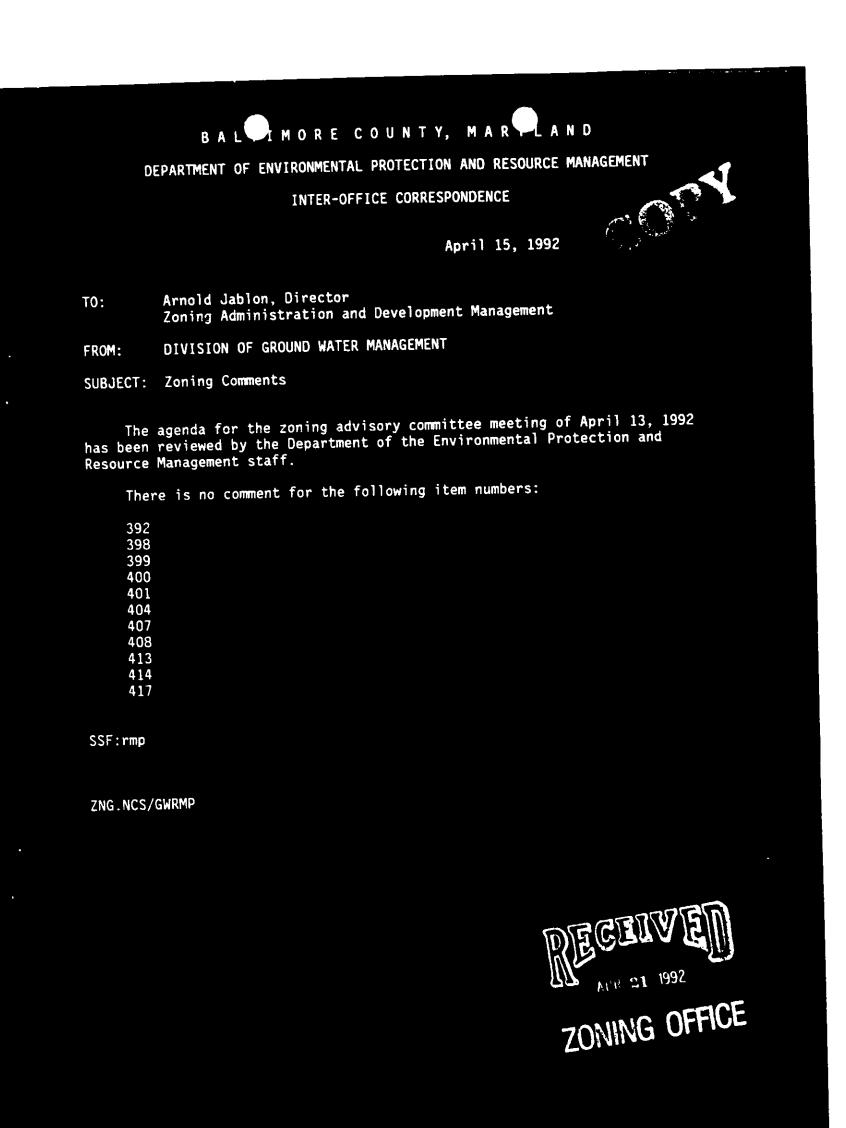
SUBJECT: 2.A.C. Comments

Z.A.C. MEETING DATE: April 13, 1992

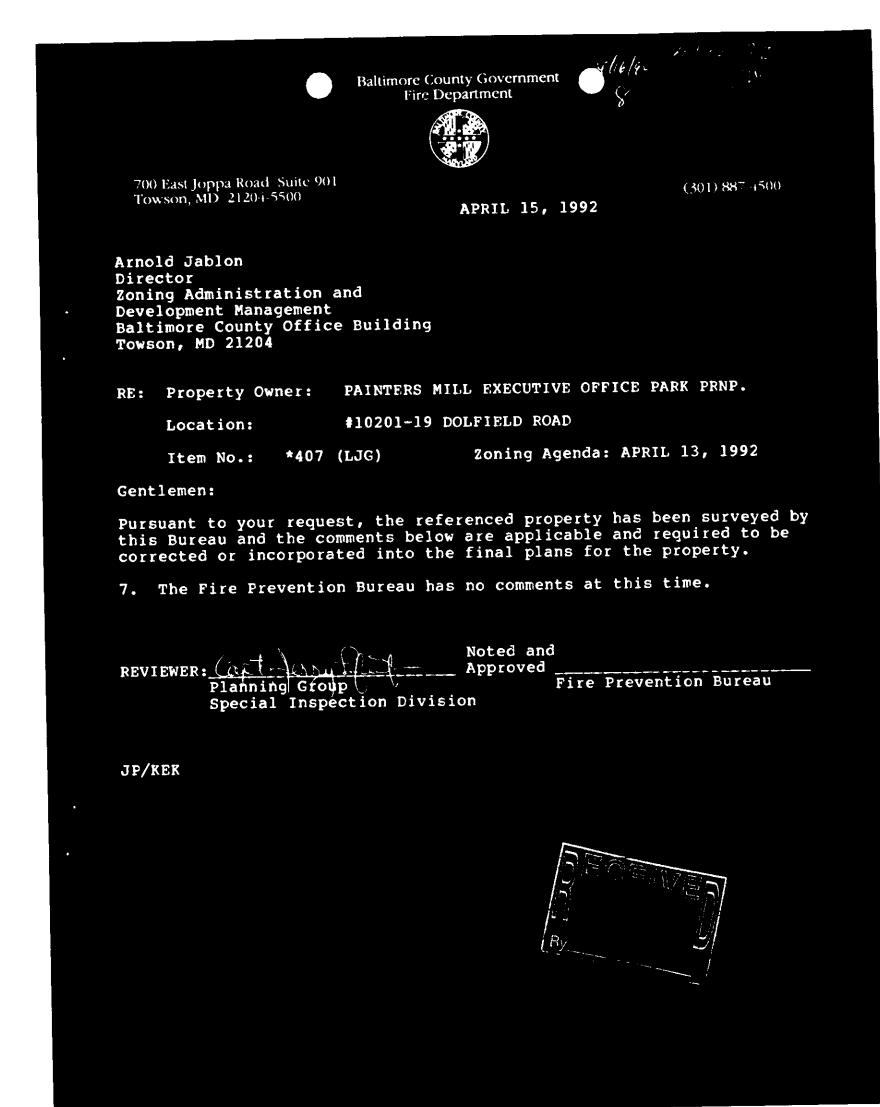
This office has no comments for item numbers 392, 396, 397, 398, 399, 401, 404, 406, 407, 408, 417 and 418.

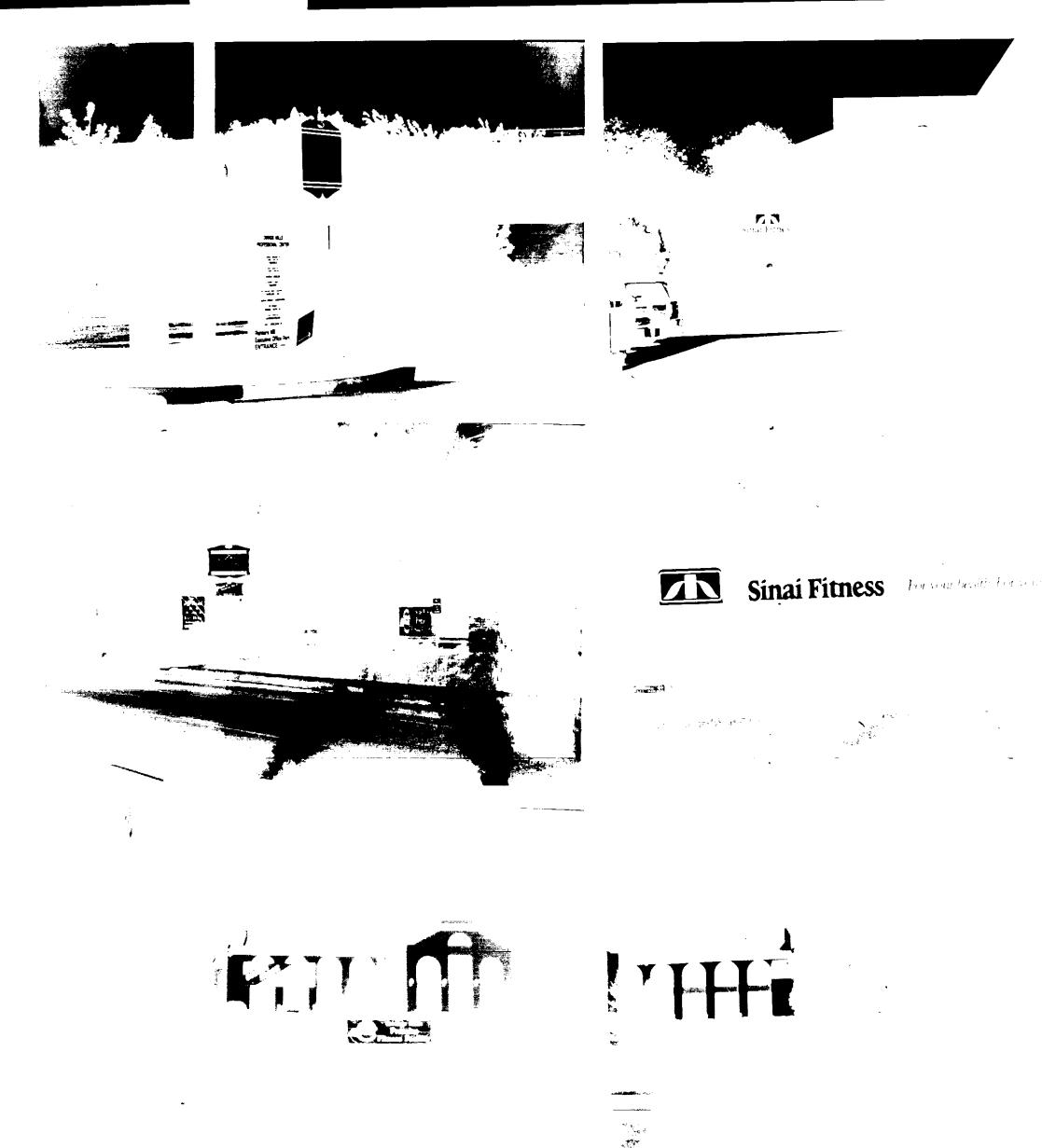
epher E. Weber, P.E. sistant Traffic Engineer

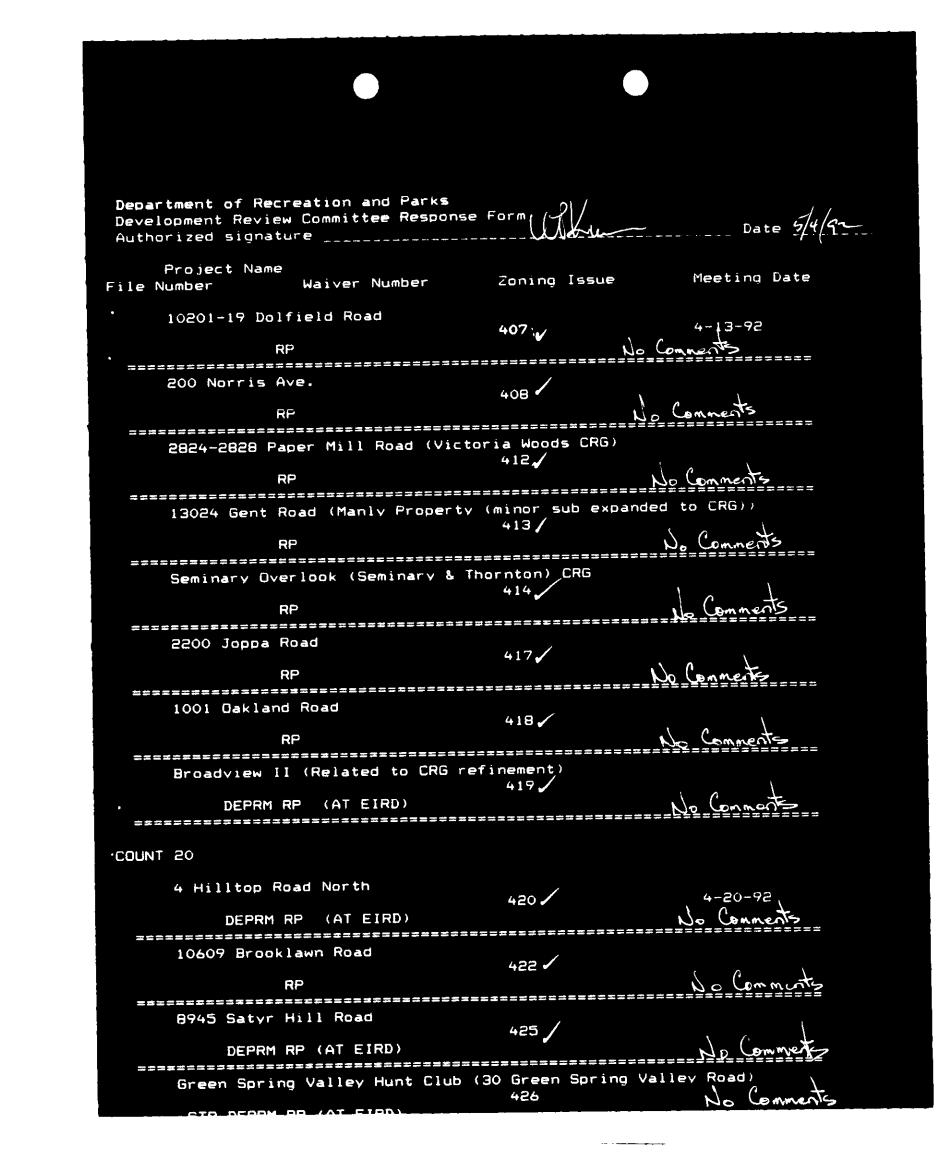
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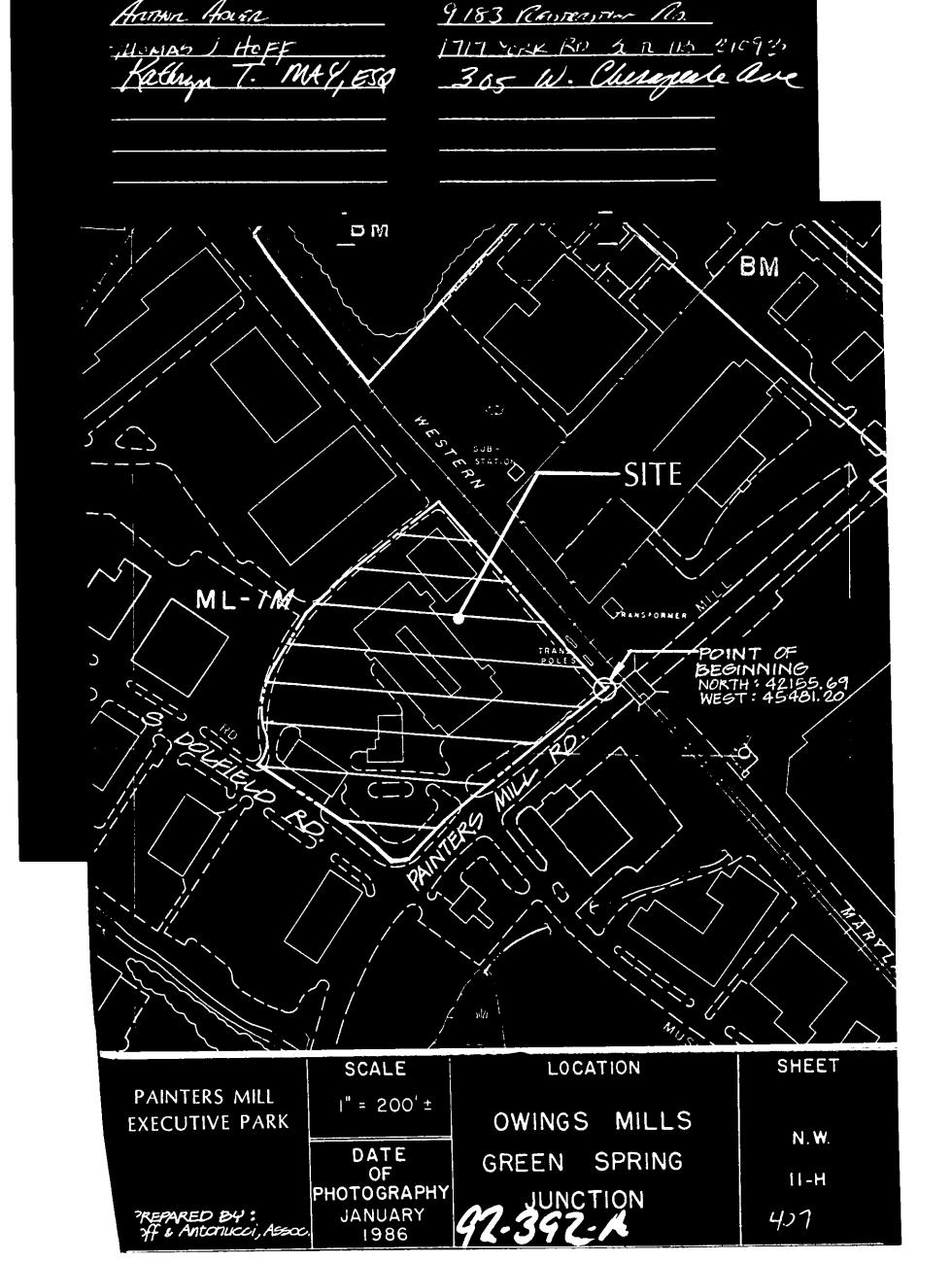


Politicais deplitet = DA-DC









PETITIONER(S) SIGN-IN SHEET

PLEASE PRINT CLEARLY

